HON'BLE SRI JUSTICE M.S.K. JAISWAL

CRIMINAL REVISION CASE NO. 1742 OF 2013

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ORDER:

This Criminal Revision Case is directed against the order of the learned Judge, Family Court-cum-VI Additional District Judge, Kadapa, dated 13.06.2013, allowing M.C.No. 5 of 2012 filed by first respondent-Wife.

The 1st respondent-wife herein filed a petition under Section 125 Cr.P.C, seeking for maintenance against the revision petitioner. The Court below, on a consideration of entire material available on record and also considering the evidence of RW-2 that the petitioner-husband himself voluntary left the house and staying away from the first respondent-Wife and is getting salary of Rs. 19,633/- in the month of March and that subsequent to March, 2012 there is increase in his salary, directed the petitioner-husband to pay monthly maintenance of Rs. 3,000/- to the 1st respondent-wife and Rs. 2,000/- to the 2nd respondent from the month of June, 2103 payable on or before 5th of every succeeding months commencing from July, 2013. It is submitted that the first respondent also filed Criminal case in Crime No. 68/2011 of Women Police Station, Kadapa and also filed Civil Suit in O.S.No. 33 of 2012 to counter blast to the FCOP No. 100 of 2011 filed by the petitioner-husband.

Learned Counsel appearing for the petitioner submitted that the court below failed to consider that the 1st respondent-wife has deserted the petitioner voluntarily and snatched all the movable and immovable property and has been enjoying the income on rents from the property besides her salary and kept quite and not made any efforts

to rejoin the petitioner and never acted as a dutiful wife.

There is no dispute about the relationship. In this maintenance proceeding, it is not necessary to go into the aspects of the harassment allegedly meted out to the 1st respondent by the petitioner. Whatever may be the disputes between the husband and wife, the petitioner is bound to maintain his wife and minor son. No material is placed to show that the first respondent is having any independent source of income, which is sufficient to maintain herself and her son. The petition under Section 125 Cr.P.C is a measure of social justice intended to protect women and children and is enacted with the avowed objective of preventing destitution. The petitioner has both legal and moral obligation to provide adequate maintenance to respondents. The law is well settled that the maintenance has to be awarded keeping in view the social status and the economic condition of the husband and also the reasonable amount which the wife and children would require for their sustenance and up keep. The maintenance awarded shall be adequate for sustenance, food, clothing and shelter. The case of the first respondent is that the petitioner is drawing a salary of Rs.19,633/- as a Government Teacher in M.P.U.P School Veligallu Village. Considering the present day cost of living, this Court is of the well-considered view that the order impugned is sustainable. By taking into consideration the economic condition of the petitioner, his capacity to earn, the basic needs of the respondents herein and the present day cost of living the Court below had rightly awarded maintenance of Rs. 3,000/- to the 1st respondent and Rs. 2,000/- to the 2nd respondent from the month of June, 2013 payable by the petitioner herein on or before every succeeding months commencing from July, 2013.

In view of the above, I see no reasons to interfere with order impugned and accordingly, the Criminal Revision Case is dismissed.

As a sequel thereto, miscellaneous petitions, pending if any, shall stand closed.

M.S.K. JAISWAL, J

Date: 23.09.2015

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